



*Rev 2  
7/16/19  
4:50pm*

# BOARD OF ADJUSTMENT APPLICATION

APPEAL  SPECIAL EXCEPTION  VARIANCE  TODAY'S DATE: 7/16/19

**\*\*CONTACT INFORMATION\*\***

**PROPERTY LOCATION\*:** 1204 W. Josephine Street, McKinney, TX 75069

(Street address)

Subdivision: H. L. Davis Lot: 1 Block: A

\*Application not applicable in the ETJ (Extra Territorial Jurisdiction)

Property Owner: Tessa Tyler 1204 W. Josephine Street McKinney, TX 75069  
 (Name) (Address) (City, State, & Zip Code)  
tessamtyler@icloud.com 972-369-2298  
 (Email) (Phone)

Property Owner is giving Robert Hemphins authority to represent him/her at meeting.  
 (Applicant Name)

Property Owner Printed Name: Tessa Tyler Property Owner Signature: Tessa Tyler

Applicant: Tessa Tyler 1204 W. Josephine Street McKinney, TX 75069  
 (Name) (Address) (City, State, & Zip Code)  
tessamtyler@icloud.com 972-369-2298  
 (Email) (Phone)

**\*\*REQUEST\*\***

Please list types requested:

Description	Ordinance Requirements	Requested Dimensions	Variance from Ordinance
Lot Size			
Lot Width			
Lot Depth			
Side Yard			
Side Yard			
Side at Corner			
Front Yard			
Rear Yard			
Driveway			
Other	600 square feet	1,146 square feet	546 sq ft over

PLEASE DESCRIBE THE REASON(S) YOU ARE REQUESTING TO BE HEARD BY THE BOARD OF ADJUSTMENT. YOU MAY ATTACH ADDITIONAL INFORMATION TO SUPPORT YOUR REQUEST.

APPEAL -

■ See attached document.

**SPECIAL EXCEPTION -**

Blank lined area for Special Exception details.

**VARIANCE -**

Blank lined area for Variance details.

Items Submitted: Completed application and fee  Plot/Site Plan or Survey drawn to scale

I hereby certify that the above statements are true and correct to the best of my knowledge.

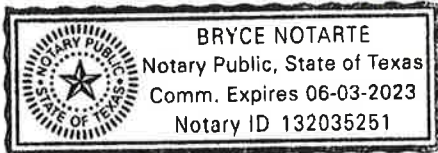
Dessa Tyler  
Property Owner Signature (If different from Applicant)

Dessa Tyler  
Applicant's Signature

STATE OF TEXAS

COUNTY OF Collin

Subscribed and sworn to before me this 16<sup>th</sup> day of July, 20 19



Bryce N  
Notary Public JUL 16 2019

My Commission expires: 06-03-2023

**NOTICE:**

This publication can be made available upon request in alternative formats, such as, Braille, large print, audiotape or computer disk. Requests can be made by calling 972-547-2694 (Voice) or email [contact-adacompliance@mckinneytexas.org](mailto:contact-adacompliance@mckinneytexas.org) Please allow at least 48 hours for your request to be processed.

**\*\*\*OFFICE USE ONLY\*\*\***

Seeking an appeal from Chapter 41, McKinney Zoning Ordinance, Section No:

BOA Number:

**TOTAL FEE DUE:** \$50.00 (non-refundable)

Received by:

Signature:

Date:

## **1204 W. Josephine Street – Tessa Tyler**

### **Introduction:**

I am appealing to the Board of Adjustment to grant me the approval to continue building and completely finish the little home (accessory dwelling) for my aging parents and their caregiver. In order to accomplish that I am asking for my accessory dwelling to be 1,146 square feet in total. The following information details all aspects of this request.

### **History:**

- I have been a resident of McKinney for almost 15 years.
- Worked for McKinney ISD as Director of Special Education for 10 years.
- McKinney is my home and I am trying to extend my homestead to include a home for my aging parents and their caregiver to live with me.
- It has been a long three-year journey to get here doing everything within the municipal ordinances and codes while overcoming the following hurdles:
  - securing the abandoned street from the city,
  - purchasing a lot behind my home from my neighbor,
  - re-platting all three lots into one lot,
  - drawing this accessory dwelling myself to meet the needs of my family,
  - having the plans redrawn by an architect numerous times,
  - finally obtaining a permit and given the green light,
  - being a victim of fraud of over \$20,000 from a contractor in the very beginning,
  - being general manager of the construction and finding sub-contractors on my own while working a full-time job.

When I obtained my original permit, James West, architect, and I revised the plans several times, resulting in the final plans with everything on the 3<sup>rd</sup> set of plans submitted. However, I later discovered by the plumbing inspector's red tag that the upstairs plumbing wasn't in the plans on the permit. You can imagine my surprise, because all this time I thought I was building the plans from the original plans as it looks on the 3<sup>rd</sup> set of plans submitted. Those plans are the set that have been in my permit packet on-site the entire time of the construction.

I have had major setbacks and disappointments in this pursuit, but I am more motivated now than ever by seeing how close it is to finally be able to give my parents a piece of my home to call theirs to take care of them in. In order to accomplish this, I am requesting the Board of Adjustments to approve the additional 546 square feet be allowed for my accessory dwelling. I truly appreciate your consideration for this request to be granted.

### **APPEAL ADDITIONS (from 1<sup>st</sup> page of application):**

- Total lot size square feet is .440 acres, 19,000+ square feet,
- Abandoned street (Byrne St.) included in property, creating long driveway over 125' long for v parking with additional parking in front of accessory dwelling,
- No neighbors within 75-100 feet from accessory dwelling, which is not visible from Josephine St.,
- Byrne Street acquired as to not crowd lot with accessory dwelling,
- Footprint of accessory dwelling, originally permitted, will not be affected because the additional square footage is a loft (vertical not horizontal increase),
- Small lot I purchased behind my main house was originally designed for a home to be built, but the street was abandoned, and one was never built,
- Majority of the additional square feet being appealed is over the garage at 425 square feet with only 165 square feet over the downstairs accessory dwelling.

d. ***Variances.*** The board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done, including the following:

1. **Permit a variance** in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare; and
2. **Authorize upon appeal**, whenever a property owner can show that a strict application of the terms of this chapter relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of this chapter as are in harmony with its general purpose and intent, but only when the board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the zoning ordinance as established by this chapter, and at the same time, the surrounding property will be properly protected.

Sec. 146-133. - Accessory buildings and uses.

(a) *Area regulations.* The following area regulations shall be observed for all accessory buildings or accessory structures in all residential, multiple family, or mobile home districts:

(6) *Accessory buildings.* Accessory buildings shall meet the following requirements:

a. No accessory building, other than an allowed accessory dwelling, shall be rented or leased.

b. No accessory building shall be used for commercial purposes.

c. No accessory building or structure, except fences, may be erected within three feet of any rear or side property line, or be located within any recorded easement.

d. No accessory building shall exceed 200 square feet in area, except:

1. Detached garages are limited to 500 square feet in area; and

2. Accessory dwellings are limited to 600 square feet in area.

e. No accessory building shall exceed one story in height, except that an allowed accessory dwelling may be located on a second story above a garage.

(7) *Accessory dwellings.* Accessory dwellings, where allowed as an accessory use, shall meet the following requirements:

a. An accessory dwelling may not be located on a lot less than 12,000 square feet in area.

b. An accessory dwelling must be behind the front building line, and must observe the same setbacks as the main structure.

c. An accessory dwelling shall be constructed of the same exterior materials as the main structure.

d. An accessory dwelling may not be sold separately from the main structure.

e. An accessory dwelling shall not have a separate electric meter.

**1204 W JOSEPHINE**

**18-0079 MP – T M TYLER TRACT ADDITION (CMC), BLK A, LOT 1**

**PARCEL ID # R-11508-00A-0010-1**

**ZONING RS-60**



ZONING REGULATIONS

App. F, § F-1

APPENDIX F. SCHEDULES

Section F-1. Schedule of space limits.

Zoning District	Space Limits										
	Minimum lot area	Minimum lot width	Minimum lot depth	Minimum front yard setback	Minimum rear yard setback	Minimum side yard setback of interior lots	Minimum side yard setback of corner lots	Maximum height of structure	Maximum lot coverage	Maximum Floor Area Ratio	Maximum density (dwelling units per gross acre)
AG	10 acre	150'	n/a	35'	35'	20'	25'	35'	n/a	n/a	n/a
RED-1	1 acre	150'	150'	35'	35'	20'	35'	35'	n/a	n/a	1.0
RED-2	2 acre	200'	200'	50'	50'	30'	50'	35'	n/a	n/a	0.5
RS 120	12,000 sq. ft.	80'	120'	30'	25'	10'	15'	35'	n/a	n/a	3.5
RS 84	8,400 sq. ft.	70'	110'	25'	25'	10'	15'	35'	n/a	n/a	5.0
RS 72	7,200 sq. ft.	60'	100'	25'	25'	6'	15'	35'	n/a	n/a	6.0
RS 60	6,000 sq. ft.	50'	100'	25'	25'	5'	15'	35'	n/a	n/a	7.0
RS 45	4,500 sq. ft.	40'	100'	20'	20'	(1)	15'	35'	n/a	n/a	8.0
RD 30	(1)	50'	100'	25'	25'	7'	15'	35'	n/a	n/a	14.5
RG 27	2,700 sq. ft.	25'	100'	20'	20'	(1)	15'	35'	n/a	n/a	14.5
RG 25	(1)	50'	100'	25'	25'	7'	25'	35'	n/a	n/a	17.0
RG 15 [18]	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	60%	(1)	(1)
MF-1	3,600 sq. ft. per unit	60'	100'	35'	(1)	(1)	35'	35' (2 stories)	50%	n/a	12.0
MF-2	2,700 sq. ft. per unit	60'	100'	35'	(1)	(1)	35'	35' (2 stories)	50%	n/a	16.0
MF-3	2,100 sq. ft. per unit	60'	100'	35'	(1)	(1)	35'	35' (2 stories)	50%	n/a	20.0
MP	(1)	(1)	(1)	(1)	(1)	(1)	(1)	35'	n/a	n/a	8.0
NC	7,000 sq. ft.	60'	100'	25'	(1)	(1)	25'	35'	40%	0.4 : 1.0	n/a
BN	7,500 sq. ft.	50'	(1)	25'	20'	(1)	(1)	35'	70%	0.6 : 1.0	n/a
BG	(1)	(1)	(1)	(1)	10'	(1)	15'	45'	95%	2.0 : 1.0	n/a
C	0'	0'	0'	25'	(1)	(1)	15'	55'	50%	1.0 : 1.25	n/a
O-1	7,000 sq. ft.	60'	100'	25'	(1)	(1)	25'	35'	50%	0.5 : 1.0	n/a
O	0'	0'	0'	50'	(1)	(1)	(1)	(1)	50%	1.0 : 1.0	n/a
BC	10,000 sq. ft.	80'	100'	25'	(1)	(1)	25'	45'	70%	1.0 : 1.0	n/a
ML	(1)	50'	0'	25'	0'	0'	20'	(1)	75%	1.0 : 1.0	n/a
MH	(1)	50'	0'	20'	0'	0'	10'	(1)	50%	1.0 : 1.0	n/a
AP	0'	0'	0'	25'	(1)	(1)	15'	45'	n/a	n/a	n/a
GC	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	12.0 : 1.0	(1)
PD	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
MTC	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
SF12	12,000 sq. ft.	80'	120'	25' (3)	20'	10'	20'	35'	n/a	n/a	3.2 (5)
SF10	10,000 sq. ft.	70'	110'	25' (3)	20'	10'	20'	35'	n/a	n/a	3.2 (5)
SF8	8,000 sq. ft.	60'	100'	20' (3)	15' (7)	7'	15' (7)	35'	n/a	n/a	3.2 (5)
SF7.2	7,200 sq. ft.	50'	90'	20' (3)	15' (7)	5'	15' (7)	35'	n/a	n/a	3.2 (5)
SF5	5,000 sq. ft. (4)	40' (6)	80'	20' (3)	15' (7)	0' (10)	15' (7)	35'	n/a	n/a	3.2 (5)
DR (9)	6,000 sq. ft.	40' (6)	80'	20'	15' (7)	5'	15' (7)	35'	n/a	n/a	6.4
TH (9)	2,700 sq. ft.	25' (6)	80'	20'	15' (7)	10' between buildings	15' (7)	35'	n/a	n/a	8.0 (1)
SO	10,000 sq. ft.	50'	50'	20'	0'	0'	n/a	35'	70%	n/a	n/a



# Board of Adjustments Map

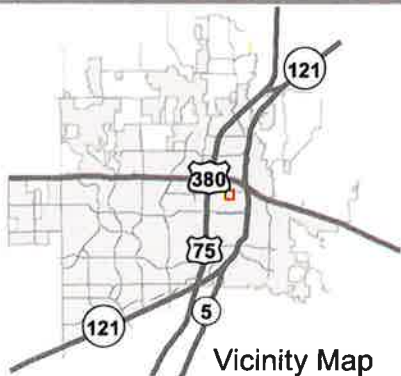
## 1204 W JOSEPHINE ST



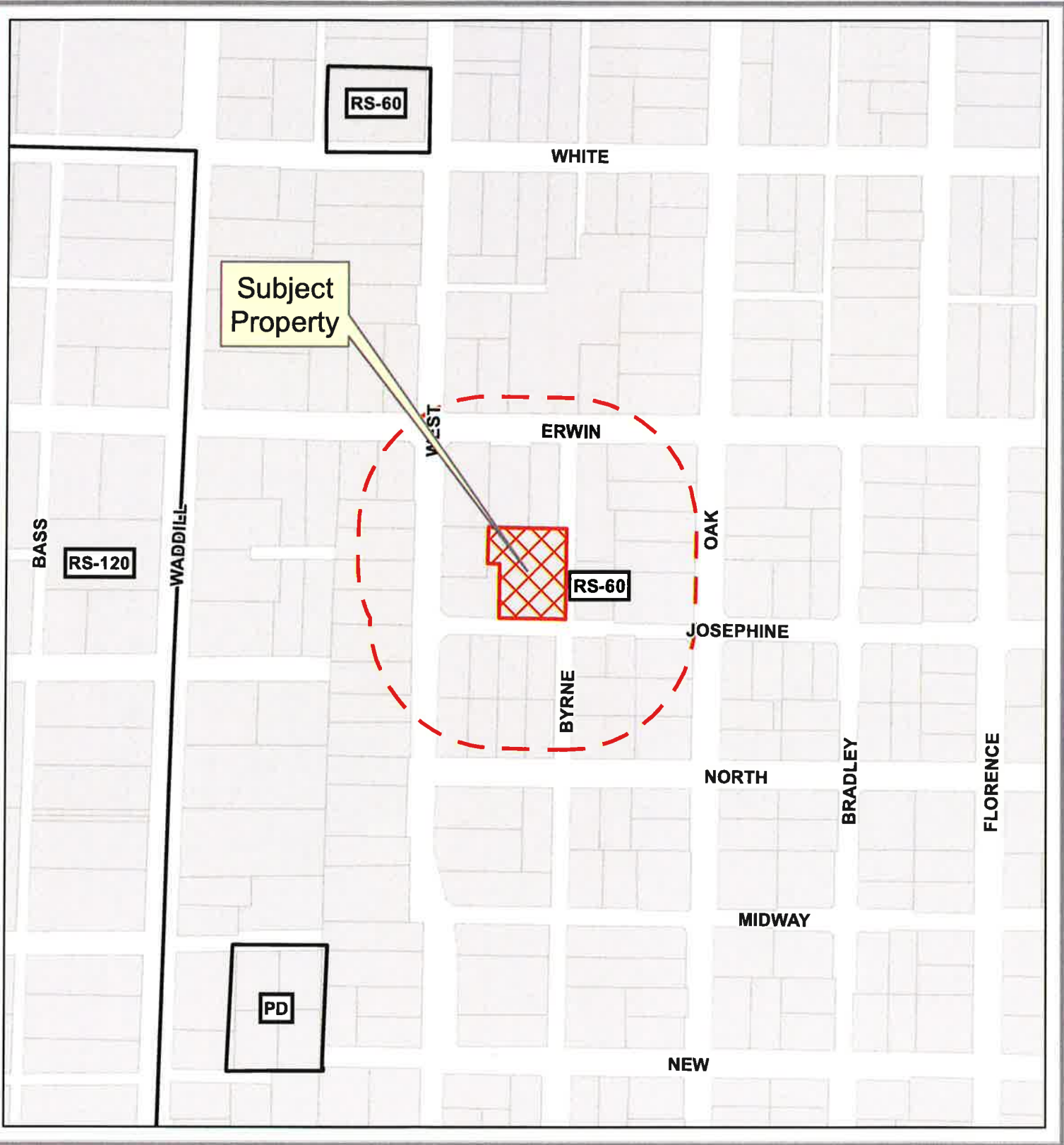
--- 200' Buffer

Source: City of McKinney GIS  
Date: 7/16/2019

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.







Subject Property

RS-60

WHITE

ERWIN

BASS

RS-120

WADDILL

WEST

RS-60

JOSEPHINE

NORTH

BYRNE

BRADLEY

FLORENCE

MIDWAY

PD

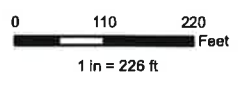
NEW



Vicinity Map

# Board of Adjustments Map

## 1204 W JOSEPHINE ST



--- 200' Buffer

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Source: City of McKinney GIS  
Date: 7/16/2019



BEARING BASE: GRID NORTH USING  
 WESTERN DATA SYSTEMS VRS NETWORK VOLUME 52, PAGE 540  
 O DENOTES A 1/2" IRON PIN SET UNLESS OTHERWISE NOTED

IPS IRON PIN SET  
 IPF IRON PIN FOUND  
 5/8-INCH IRON PIN FOUND  
 1/2-INCH IPS  
 3/8-INCH IPF



CONTROLLING MONUMENT

VOL. 756  
 PAGE 691

VOLUME 2264  
 PAGE 104

OFFICE WORK FINISHED  
 ON MARCH 18, 2017

BLOCK 34  
 H. L. DAVIS ADDITION  
 VOL. 52, PAGE 540

N 00°54'05" E 141.00'  
 VOLUME 52, PAGE 540

S 89°21'50" E 15.00'  
 BLOCK 35  
 H. L. DAVIS ADDITION  
 VOL. 52, PAGE 540

5/8-INCH IPF  
 N 89°21'50" W 20.0'

TYLER TRACT  
 0.053 ACRE

CLERK'S FILE NO.  
 2015110001533

SHED  
 RELOCATE 15'

*Front Accessory Dwelling*

BYRNE STREET  
 ABANDONED BY  
 CITY OF MCKINNEY  
 ORDINANCE NO.  
 2017-01-005

CLERK'S FILE NO.  
 20141028001174100

VOLUME 4946  
 PAGE 4640

N 89°12'06" W 15.00'

5/8-INCH IRON PIN FOUND  
 BEGINNING  
 5/8-INCH IRON PIN FOUND

N 89°12'06" W 15.00'  
 5/8-INCH IRON PIN FOUND

CONTROLLING MONUMENT

CLERK'S FILE NO. 20090521000622560

JOSEPHINE STREET  
 VOLUME 52, PAGE 540

CLERK'S FILE NO.  
 20090609000709040

*Bruce Geer*

BRUCE GEER  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR, NO. 4117  
 1101 W. UNIVERSITY DRIVE  
 MCKINNEY, TEXAS 75069  
 972-562-3959  
 972-542-5751 FAX

A LEGAL DESCRIPTION  
 ACCOMPANIES THIS SURVEY  
 MAP.

FIRM: BRUCE GEER, SURVEYOR  
 FIRM REGISTRATION # 10150700

TYLER TRACT  
 0.053 ACRE  
 H. L. DAVIS ADDITION  
 CITY OF MCKINNEY  
 COLLIN COUNTY, TEXAS

SHEET 1 OF 2

WINDOW SCHEDULE

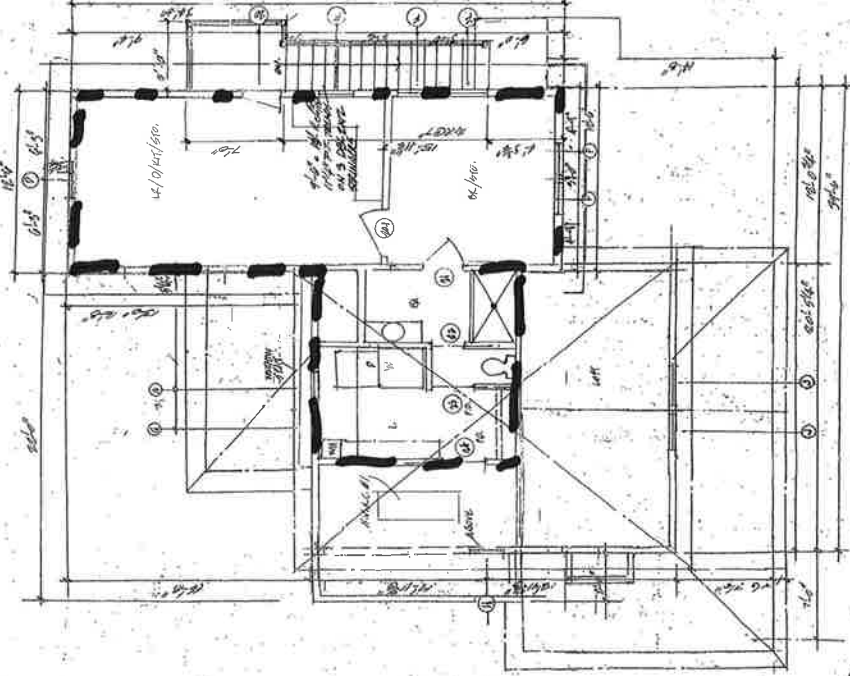
WINDOW	DESCRIPTION	REMARKS
A	2'-0" x 4'-0" INSUL. GL. DBL. HUNG CLAD WINDOW w/ MUNTINS	TERMINAL BREAK WIND. TYP.
B	2'-0" x 4'-0" INSUL. GL. CASSETTE WINDOW	TERMINAL BREAK WIND. TYP.
C	2'-0" x 4'-0" INSUL. GL. DBL. HUNG CLAD WINDOW w/ MUNTINS	TERMINAL BREAK WIND. TYP.
D	2'-0" x 4'-0" INSUL. GL. DBL. HUNG CLAD WINDOW w/ MUNTINS	TERMINAL BREAK WIND. TYP.
E	2'-0" x 4'-0" INSUL. GL. DBL. HUNG CLAD WINDOW w/ MUNTINS	TERMINAL BREAK WIND. TYP.
F	2'-0" x 4'-0" INSUL. GL. DBL. HUNG CLAD WINDOW w/ MUNTINS	TERMINAL BREAK WIND. TYP.
G	2'-0" x 4'-0" INSUL. GL. DBL. HUNG CLAD WINDOW w/ MUNTINS	TERMINAL BREAK WIND. TYP.
H	2'-0" x 4'-0" INSUL. GL. CASSETTE WINDOW	TERMINAL BREAK WIND. TYP.
I	2'-0" x 4'-0" INSUL. GL. CASSETTE WINDOW	TERMINAL BREAK WIND. TYP.

\*ALL WINDOWS WILL HAVE A MINIMUM 20% CLEARANCE FROM FIRE ESCAPE

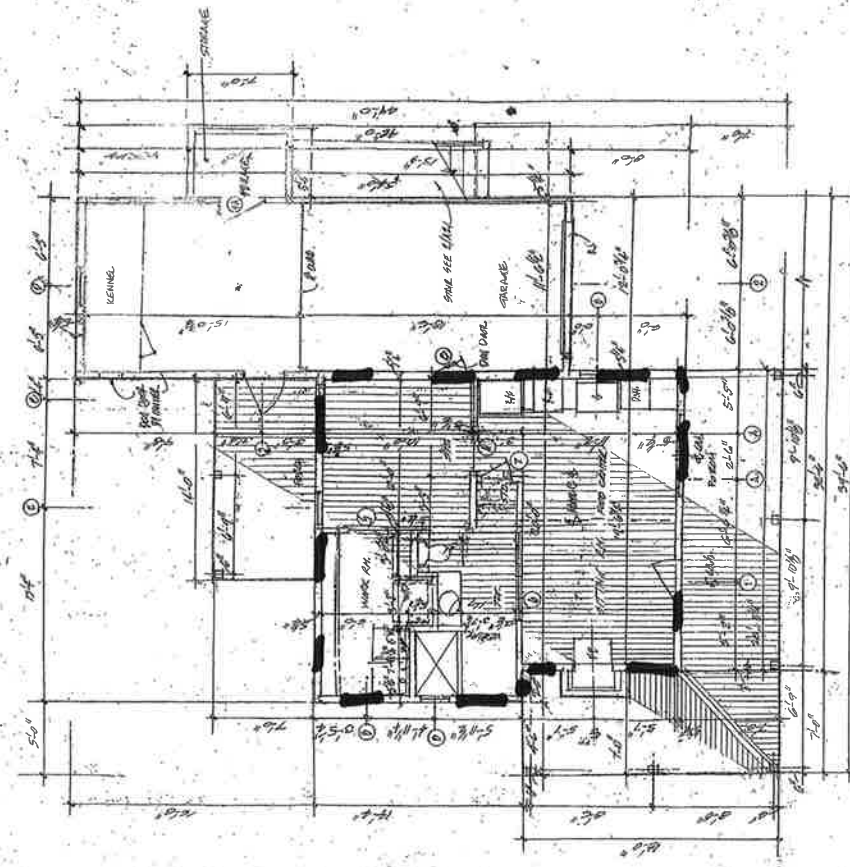
DOOR SCHEDULE

DOOR	DESCRIPTION	TYPE	VISION	DEAD BOLT	W.E.	REMARKS
1	3'-0" x 7'-0" x 3'-0" A	TRIP	GL.	YES	YES	ADD STORM DOOR
2	6'-0" x 7'-0" C	YES/TOP	PNL.	YES	NO	DAMAGE DOOR
3	3'-0" x 7'-0" x 3'-0" B					SOLID CORE (BD. WD.)
4	3'-0" x 7'-0" x 3'-0" B					S.C. (POCKET DOOR)
5	3'-0" x 7'-0" x 3'-0" B					
6	3'-0" x 7'-0" x 3'-0" B					
7	3'-0" x 7'-0" x 3'-0" B					
8-9A	2'-0" x 7'-0" x 3'-0" B					S.C.
8-9B	2'-0" x 7'-0" x 3'-0" B					S.C.
21	2'-0" x 7'-0" x 3'-0" B					S.C.
22	2'-0" x 7'-0" x 3'-0" B					S.C.

ALL STAINED AND PAINTED DOOR COULDS SELECTED BY OWNER



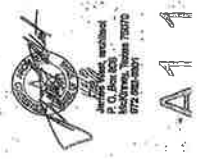
2 SECOND FLOOR PLAN  
1/8" = 1'-0"  
NORTH



1 FIRST FLOOR PLAN  
1/8" = 1'-0"  
NORTH

HOUSE SUMMARY

FIRST FLOOR HOUSE	3,046 SF
PORCHES	304 SF
GARAGE	426 SF
SUBTOTAL	3,776 SF
SECOND FLOOR	1,422 SF
STAIRS	114 SF
SUBTOTAL	1,536 SF
TOTAL	5,312 SF



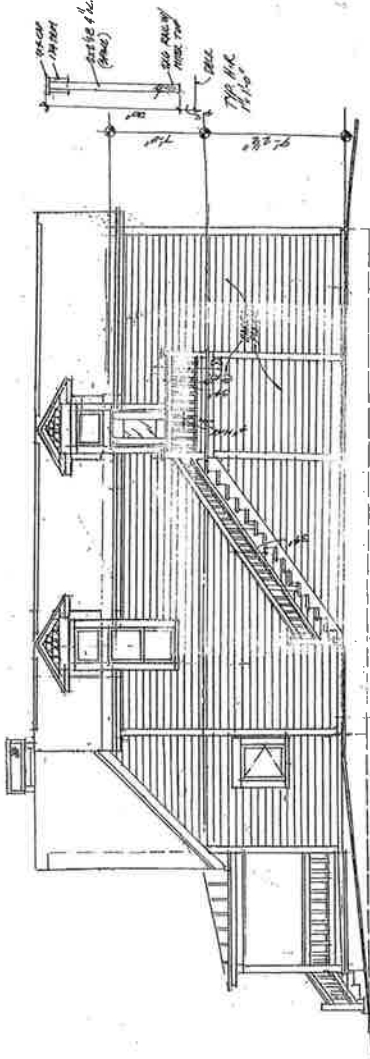


James West, architect  
P.O. Box 106  
1419  
McKinney, Texas 75070  
972.882.3301

A3.1

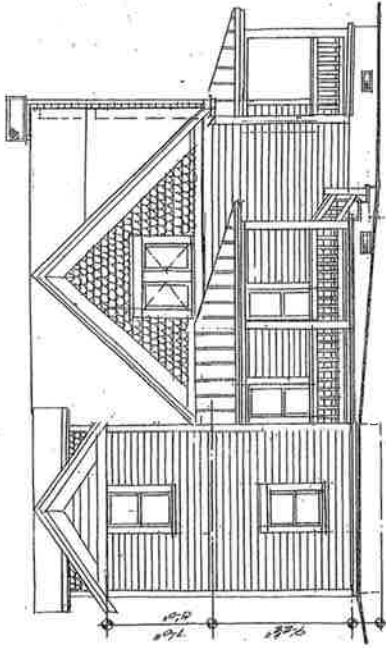
3 NORTH ELEV.

1/8"=1'-0"



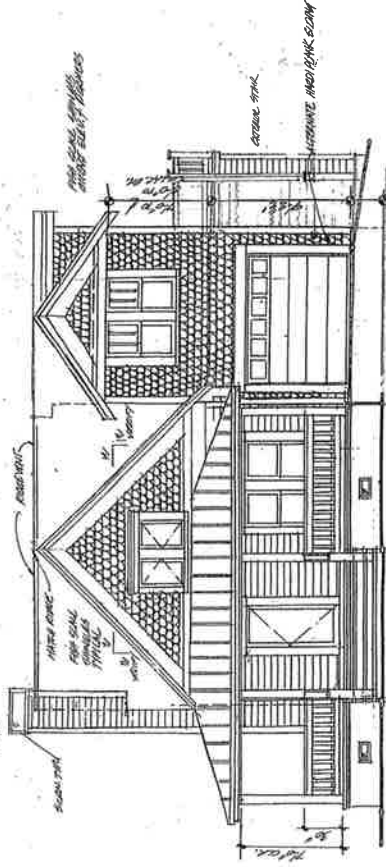
4 WEST ELEV.

1/8"=1'-0"



1 EAST ELEV.

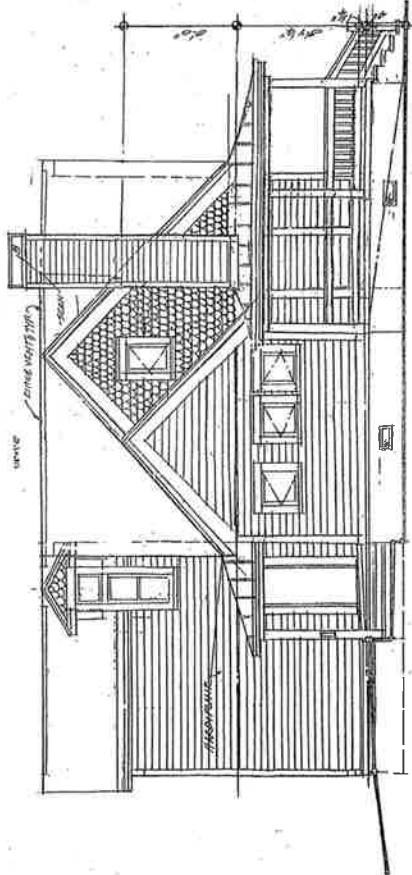
1/8"=1'-0"



Front

2 SOUTH ELEV.

1/8"=1'-0"



Rear